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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/800,926	03/08/2001	Satoshi Wakasa	1921-0134P	5626
2292	7590	12/13/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, HIEN THI	
			ART UNIT	PAPER NUMBER
			1764	
DATE MAILED: 12/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/800,926	Applicant(s) WAKASA ET AL. WA	
	Examiner Hien Tran	Art Unit 1764	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 02 December 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: of the same reasons set forth in the final office action.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.

Claim(s) objected to: none.

Claim(s) rejected: 1-5.

Claim(s) withdrawn from consideration: 6-14.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: see attached sheets

Hien Tran

Hien Tran
Primary Examiner
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Continuation of 2. NOTE: The change in claim 1 still raises some 112 issue as it is unclear as to how the flue is related to other elements of the system .

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 12/02/04 have been fully considered but they are not persuasive.

Applicants argue that although the inventions are separately classified, the initial search of claim 1 includes subclasses 168-173 and 177 and therefore a separate classification has not been shown and a prima facie showing of a burden has not been established. Such contention is not persuasive as although the initial search of claim 1 includes the above subclasses, the newly added claims include other limitations which require a separate and careful search for each element of each of the additional claims and therefore provide a serious burden to the examiner at this time of the prosecution. Note that the initial search was only made to find the general structure for the broad claim 1.

Applicants argue that the reason that the apparatus can be used to manufacture a chemical compound is unsupported. Such contention is not persuasive as the apparatus comprising only two components, such as nozzle and ammonia generating means, as claimed can be used to practice another and materially different processes instead of the process of removing NO_x as claimed. See, for example, US 3,649,175 in which the combination of ammonia and acid to produce ammonium phosphate-polyphosphate reaction mixture.

Applicants argue that the gas passage 20 in Peter-Hoblyn is not a gas passage of a boiler as required by instant claim 1. Such contention is not persuasive as although the drawings in the reference of Peter-Hoblyn shows a diesel engine and a gas passage 20, Peter-Hoblyn does

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discloses that the device can be used for all internal combustion engines including burners and furnaces (col. 3, lines 4-55).

Applicants argue that the ammonia generating means and the ammonia jet nozzles in Peter-Hoblyn reference are in the same passage, rather than the nozzles in a gas passage and the ammonia generation means are in the flue as in instant claim 1. Such contention is not persuasive as instant claim 1 does not define any difference between the flue and the gas passage.

Applicants argue that Peter-Hoblyn does not show a pipe connected between the ammonia generating means and the nozzles and disposed within the gas passage as recited in instant claims 4-5. Such contention is not persuasive as the pipe (including #101) disposed within the gas passage 20 is used for connecting the nozzles 103 and ammonia generating means.

Applicants argue that Kim does not disclose a device for reducing NO_x and does not include ammonia generating means. Such contention is not persuasive as Kim is only relied upon for showing the conventionality of using a heating means with a screw member. Whether Kim does not disclose a device for reducing NO_x nor the ammonia generating means is irrelevant, as the primary reference, Peter-Hoblyn, is relied upon for such teachings.

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien Tran whose telephone number is (571) 272-1454. The examiner can normally be reached on Tuesday-Friday from 7:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Caldarola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HT

Hien Tran

Hien Tran
Primary Examiner
Art Unit 1764